

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIANE ERDMANN,

Defendant.

NO. CR18-92RAJ

**GOVERNMENT'S MEMORANDUM RE
APPOINTMENT OF COUNSEL and
RESPONSE TO MOTION TO CONTINUE
PRETRIAL MOTION DATE
(Dkt. #169)**

On Friday, May 1, 2020, Diane Erdmann's attorneys were allowed to withdraw as counsel. The Honorable Brian A. Tsuchida ordered the appointment of two new CJA attorneys. Dkt. #175. The government respectfully requests that the Court direct the appointment of CJA counsel that can maintain the current trial schedule. *See* Order Setting Amended Case Schedule, Dkt. #164.

I. HISTORY OF CONTINUANCES

On April 12, 2018, the Grand Jury returned a 20-count Indictment that charged Ross Hansen and Diane Erdmann with mail and wire fraud in connection with their conduct at the now-defunct Northwest Territorial Mint (NWTM). The NWTM business offered bullion (typically gold and silver coins and bars) for sale. NWTM also offered safe storage for customer-owned bullion. The Indictment charges Mr. Hansen and Ms.

1 Erdmann with a scheme to defraud NWTM customers of their money or property. There
 2 are thousands of victims of the scheme charged in the Indictment. For example, there are
 3 more than 3000 victims who paid for bullion orders, or made bullion sales or exchanges,
 4 whose orders were never fulfilled. Dkt. #1 at 10. There are more than 50 bullion-storage
 5 victims who are missing some part of their customer-owned bullion. Dkt. #1 at 12.

6 **History of Continuances:**

- 7 - Trial was originally scheduled for June 2018.
- 8 - On May 25, 2018, the trial was continued to February 2019, based on the
 9 stipulated motion of the parties. Dkt. #29.
- 10 - On January 7, 2019, the trial date was continued to June 2019, based on
 11 Defendants' unopposed motion. Dkt. #58.
- 12 - On January 23, 2019, the trial date was continued to October 2019, based on an
 13 unopposed motion to reconsider filed by Defendants. Dkt. #62.
- 14 - On August 14, 2019, the trial date was continued to April 13, 2020, based on a
 15 motion by Ms. Erdmann's newly-appointed counsel, and over the objection of
 16 the government. Dkt. #109.
- 17 - On February 13, 2020, the trial date was continued to January 11, 2021, based
 18 on a motion by Mr. Hansen's newly appointed counsel, and over the objection
 19 of the government. Dkt. #157.

20 For the last continuance, Mr. Hansen's newly-appointed CJA counsel requested
 21 that the trial be continued to July 2021, based on Mr. Hansen's counsel's trial schedule.
 22 At the hearing, it was noted that CJA counsel should consider their schedule before
 23 accepting an appointment.

24 **II. APPOINTMENT OF NEW COUNSEL**

25 Given the multiple continuances in this case, the recent hearing where a lengthy
 26 continuance was requested, and the fact that the current trial date is more than eight
 27 months away, the government respectfully requests that the Court appoint an attorney for
 28 Ms. Erdmann that can try the case in January 2021.

1 As for the motion to continue the pretrial motion date, Ms. Erdmann's pretrial
2 motion date could readily be moved to September 25 – consistent with the new pretrial
3 motion date granted to Mr. Hansen's new counsel. *See* Dkt. #164.
4

5 Dated this 4th day of May 2020.

6 Respectfully submitted,

7 BRIAN T. MORAN
8 United States Attorney

9 *s/ Brian Werner*
10 BRIAN WERNER
11 Assistant United States Attorney
12 700 Stewart Street, Suite 5220
13 Seattle, Washington 98101
14 Telephone: (206) 553-7970
15 E-mail: brian.werner@usdoj.gov
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2020, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the defendants.

s/ Brian Werner
BRIAN WERNER